THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.3376 of 1998
Date: 30-03-2007

Between:
M.V.Sivarama Krishna

Petitioner

And

Government of Andhra Pradesh,
rep. by it's Secretary, Education Department,
Secretariat, Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.3376 of 1998

ORDER:

1. The present writ petition has been instituted seeking a declaration that the action of the respondents in not paying the salaries and allowances to the writ petitioner for the service rendered by him as Telugu Pandit Grade-II in a school run and managed by the second respondent herein which is said to have been admitted to grant-in-aid by the State Government as illegal.

2. Shorn of all details, the writ petitioner is one of the two candidates who has been selected for appointment in a high school run and managed by the second respondent, a charitable institution at Kakinada. While the writ petitioner was selected as Telugu Pandit Grade-II, another candidate Sri M.S.Subramanyam was selected for the post of B.Ed., Assistant in Mathematics subject. Calling in question the selection of the writ petitioner and the aforementioned Sri M.S.Subramanyam, one other competing candidate namely Ch.Subba Rao instituted W.P.No.17736 of 1995 in this court. Initially in the said writ petition, an interim order was passed on 08.08.1995 by this court staying the approval of the selection of the writ petitioner herein and another candidate M.S.Subramanyam, but however, when a vacate application bearing WVMP No.2398 of 1995 has been moved, this court by it's order dated 27-12-1995 has vacated the said interim order and observed that the appointments of the writ petitioner and that of the said M.S. Subramanyam will be subject to the result of

the writ petition. It was also further observed that these selected candidates who were appointed will be entitled to regular salaries. Ultimately, the writ petition No.17736 of 1995 instituted by the unsuccessful candidate Ch.Subba Rao was dismissed by this court on 14-11-2006 finding no justifiable reason or cause for interference with the selections made. Thus the hurdles created in approving the appointments of writ petitioner and M.S.Subramanyam have been cleared. It is also appropriate to notice that another Writ Petition No.10907 of 1997 has been instituted by M.S.Subramanayan, who came to be appointed as B.Ed., Assistant in Mathematics. While considering W.P.No.10907 of 1997, the learned Government Pleader for School Education has pointed out that the selection and appointment of the writ petitioner therein was approved with effect from 20-11-1998 and that he has also been paid salary and allowances from the said date. The learned counsel for the writ petitioner in this case also submits that petitioner's selection has also been approved and that he was also getting regular salary and allowances, but however, during the initial period of his appointment, when his appointment could not be approved because of the orders passed in W.P.No.17736 of 1995, he was not paid salary and allowances attached to the post of Telugu Pandit Grade-II in spite of his putting in service in that respect. As already noticed W.P.No.17736 of 1995 has since been dismissed and consequently the selection and appointment of the writ petitioner can be approved without any constraint. Therefore, the respondents 1,3 and 5 herein are directed to take up the case of approving the appointment of the writ petitioner in the school run and managed by the second respondent as Telugu Pandit Grade-II and if his appointment is approved from the very initial date of his appointment, for the period he was not paid salary and allowances, the respondents 1,3 and 5 may take necessary steps to pay him the salary and

allowances. In case the appointment of the writ petitioner has to be approved with effect from a later date than the date of his initial appointment in the school run and managed by the second respondent, for the period from his initial date of appointment till the actual date of approval of his appointment by the Education Department, the second respondent will have to pay his salary and allowances. This issue has to be decided at any rate before the end of July, 2007 and the writ petitioner be paid his salary and allowances for the period for which he was not paid so far either by the respondents 1,3 and 5 or the second respondent depending upon the date of approval of his appointment.

3. With this, the writ petition stands disposed of. The copy of the judgment rendered by this court in W.P.No.17736 of 1995 which is placed by the learned counsel for the petitioner herein has been allowed to form part of the case record. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

30-03-2007
Stp